

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
SMCAS ANNUAL BUDGET & SPECIAL ASSESSMENT
Monday, April 25, 2016, 5:55 p.m.**

The Mayor asked if anyone in the audience wished to address the council on SMCAS Annual Budget & Special Assessment. Larry Steelman, 1702 Eden Court, requested that the City Council not renew the current or proposed special assessment based on the unsatisfactory service that was provided for his family. Mr. Bill Mears, CEO of Pride Care in Kalamazoo stated that they provide ambulance service without the tax dollars. Mayor McCauslin asked again if anyone else in the audience wished to address the council; hearing no response, the Public Hearing was closed at 5:59p.m.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, APRIL 25, 2016**

The meeting was called to order by Mayor McCauslin in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., April 25, 2016. The Pledge of Allegiance was led by Mayor McCauslin.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor McCauslin

ABSENT: Robert Durm, David Mann

STAFF: Casperson, Huff, Landgraf, Lamb, Millin, Ray, Wise

CITIZEN PARTICIPATION:

Rex Carpenter, 423 N. 14th Street, requested that the City Council approve the car show and waive the fees. He gathered support responses from 17 business owners.

Gail Hanchar, owner of Crumb Crossing Bakery stated that her sales dropped when the car show was moved to the Riverfront Park during construction of the Main Street Bridge.

Richard Smith, owner of the Rusty Nail Bait and Tackle Shop also spoke in favor of having the car show on Main Street.

Brad Bateman, owner of the Flo-N-Gro Hydroponics stated that he enjoyed the car show downtown.

Faye Miller, 1208 Regent mentioned that she received a Code Violation Notice for yard waste bags left on the curb. She requested that the City Council find a less intrusive way of informing the residence of code violations.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of April 11, 2016.
2. Consideration of approving the Bills.

3. Consideration of approving a request from the Niles Art Association to present their annual Children's Book Art on the fence at in front of the Niles History Center for the community to view.
4. Consideration of approving a request from the Brass Eye, LLC for a temporary street closure and business extension onto Second Street in conjunction with the Third Thursday Promotional Events this summer beginning Thursday, May 19th through November 26, 2016 for the Small Business Saturday Event and contingent upon approval of a Temporary Authorization Permit from the Liquor Control Commission.
5. Consideration of approving a request from the Niles Community Gardens, Inc. to approve a \$2,000.00 allotment of water usage for their garden sites.
6. Consideration of accepting the quote of \$3,325.16 from Power Line Supply of Reed City, MI for the purchase of a Huskie 12 ton crimping press for use by the Electric Division.
7. Consideration of accepting the quote of \$4,200.00 from Shembarger Asphalt Sealing, Inc. of Berrien Springs MI for the repair of driveway cracks at the Wastewater Treatment Plant.
8. Consideration of accepting the quote of \$4,400.00 from Data Strategy of Grand Rapids, MI for the purchase of a Dell Server Storage Array for use at the Law Enforcement Complex.
9. Consideration of extending a service agreement with Service Express, Inc. of Grand Rapids, MI for existing Dell servers and tape backups for the IS Division at a cost of \$6,636.00.
10. Consideration of accepting the proposal of approximately \$6,700.00 from Great Lakes Chloride, Inc. of Grand Haven, MI for the purchase and application of Liquid Calcium Chloride on roughly 5 miles of unpaved streets in the city.
11. Consideration of accepting the proposal of \$7,000.00 from Hart Heating and Air of Benton Harbor, MI for the purchase and installation of an air conditioning system for the Server Room at City Hall.

Council Member Weimer moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve Items 1-11 as submitted.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

ADMINISTRATOR'S REPORT:
Introduction of Items for Discussion
Items for Council Action

12. Consideration of accepting the bid of \$7,500.00 from Jones Petrie Rafinski of South Bend, IN for water main design and construction engineering services and consideration of authorizing the mayor to sign the contract.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to accept the bid of \$7,500.00 from Jones Petrie Rafinski of South Bend, IN for water main design and construction engineering services and consideration of authorizing the mayor to sign the contract.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

13. Consideration of approving and adopting a Citizen Participation Plan for the Community Development Block Grant to provide for and to encourage citizens to participate in the development and administration of the five-year Consolidated Plan, the Annual Action Plan, the Consolidated Annual Performance Evaluation Report (CAPER) and any substantial amendments.

Council Member Skalla moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve and adopt a Citizen Participation Plan for the Community Development Block Grant to provide for and to encourage citizens to participate in the development and administration of the five-year Consolidated Plan, the Annual Action Plan, the Consolidated Annual Performance Evaluation Report (CAPER) and any substantial amendments.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

14. Consideration of accepting the bid of \$51,291.00 from Northern Construction Services Corporation of Niles, MI for the 9th Street Non-motorized Path Construction Project and consideration of authorizing the mayor to sign the contract.

Council Member Weimer moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to accept the bid of \$51,291.00 from Northern Construction Services Corporation of Niles, MI for the 9th Street Non-motorized Path Construction Project and consideration of authorizing the mayor to sign the contract.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

15. Consideration of accepting the terms and conditions of the MSHDA Housing Development Fund Grant Agreement #HDF-342 and consideration of authorizing the mayor to sign the Grant Agreement; the City Administrator to sign and/or submit grant related reports, forms and documents; and consideration of authorizing the Community Development Director to submit grant related reports, forms, and documents on behalf of the City Council.

Council Member Weimer moved, **Council Member Boggs** supported, **MOTION CARRIED**, to accept the terms and conditions of the MSHDA Housing Development Fund Grant Agreement #HDF-342 and consideration of authorizing the mayor to sign the Grant Agreement; the City Administrator to sign and/or submit grant related reports, forms and documents; and consideration of authorizing the Community Development Director to submit grant related reports, forms, and documents on behalf of the City Council.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

16. Consideration of approving an agreement with Utility Financial Solutions, LLC of Leland, MI for Financial Projections and Rate Design for the Utilities Department's Water and Wastewater Divisions at a cost of \$11,000 and consideration of authorizing the mayor to sign the agreement.

Council Member Skalla moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve an agreement with Utility Financial Solutions, LLC of Leland, MI for Financial Projections and Rate Design for the Utilities Department's Water and Wastewater Divisions at a cost of \$11,000 and consideration of authorizing the mayor to sign the agreement.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

17. Consideration of approving updated Guidelines for the Niles City Website.
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Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, of approving updated Guidelines for the Niles City Website.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

18. Consideration of approving changes to the City's Flexible Spending Account as described and consideration of authorizing the city administrator to execute any necessary documents for this change.

Council Member Weimer moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve changes to the City's Flexible Spending Account as described and consideration of authorizing the city administrator to execute any necessary documents for this change.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

19. Consideration of approving a request from Mr. Rex Carpenter to organize an event called the Forever Young Car Cruisers, which is a car show he proposes to be held on Main Street every Wednesday between June 1st and August 24th, 2016 and consideration of approving various other requests for each Wednesday event.

Council Member Bertschy suggested that downtown parking lots be utilized to minimize the costs associated with the event. She also requested that the sponsor submit financial reports to the City Council to justify the spending of tax dollars.

Council Member VandenHeede moved, **Council Member Boggs** supported, **MOTION CARRIED**, to approve a request from Mr. Rex Carpenter to organize an event called the Forever Young Car Cruisers, which is a car show he proposes to be held on Main Street every Wednesday between June 1st and August 24th, 2016 and consideration of approving various other requests for each Wednesday event.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede

NAY: Weimer **ABSENT:** Durm, Mann **ABSTAIN:** None

20. Consideration of approving a request from the Niles Riverfront Optimist Club to hold the 14th Annual Niles Family Fun Fair and Bluegrass Festival in Riverfront Park with set up starting Monday, May 30, 2016 and takedown ending Monday, June 6, 2016 and consideration of approving various other requests as shown.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve a request from the Niles Riverfront Optimist Club to hold the 14th Annual Niles Family Fun Fair and Bluegrass Festival in Riverfront Park with set up starting Monday, May 30, 2016 and takedown ending Monday, June 6, 2016 and consideration of approving various other requests as shown.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

20A. Consideration of accepting the donation of three (3) pieces of artwork from Michael Hambouz of Brooklyn, New York in the form of a resolution and authorize the Mayor to sign the agreement.

Council Member Skalla moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to accept the donation of three (3) pieces of artwork from Michael Hambouz of Brooklyn, New York in the form of a resolution and authorize the Mayor to sign the agreement.

RESOLUTION 2016-04/1985 DECLARED ADOPTED

APPOINTMENT TO BOARDS:

None

CITY ATTORNEY’S REPORT:

21. Second Reading and Enactment of proposed amendments to Article VI of the Ordinance dealing with Rummage Sales to allow for a sign, clarify non-compliant locations for the sale and to amend the permit requirements for the sale.

Council Member Weimer moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to adopt the proposed amendments to Article VI of the Ordinance dealing with Rummage Sales to allow for a sign, clarify non-compliant locations for the sale and to amend the permit requirements for the sale.

ROLL CALL: AYES: Bertschy, Boggs, DiCostanzo, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Durm, Mann **ABSTAIN:** None

ORDINANCE 373 ADOPTED

COUNCIL MEMBER’S REPORT:

Council Member Boggs thanked everyone that attended the NAACP banquet. She also reported that she is still on a quest to get DHS services back in Niles. She also encouraged people to get out and vote

Council Member Bertschy concurred what Council Member Boggs said about getting DHS in Niles. She noted that public transportation to North County DHS services is difficult.

Council Member Weimer stated that he was not opposed to the car show; he is opposed to the waiver of fees.

Council Member VandenHeede moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to excuse Council Members Durm and Mann from the April 25, 2016 meeting. AYES: 6 NAYS: 0.

He thanked Sanya Phillips for obtaining the Michael Hambouz collection. He also stated that he was not sure he could support a SMCAS ballot proposal based on the mismanagement of finances.

Council Member DiCostanzo agreed with Council Member Weimer. He recommended that in the future the group look at deferring costs.

MAYOR’S REPORT: No report

ADJOURNMENT Council Member Weimer moved to adjourn at 6:55pm.

Linda Casperson

Date